

Remarks

In response to various “would have been obvious to combine”:

Most strikingly, no prior art teaches a UI that is truly workable for an average professional, be it a medical, legal, non-technical, American or other professional. No prior art describes anything a medical doctor or nurse would look forward to be using.

A recognized need without a solution:

Whalen et al, in *User Experiences with Sharing and Access Control, CHI 2006, April 22–27, 2006, Montreal, Québec, Canada, ACM 1-59593-298-4/06/0004* describe how their research has identified needs and problems which have been addressed by the present invention (emphasis added):

Information and resource sharing through networked technologies has become a central part of many people’s lives. They share digital photos with their families, and project proposals with their colleagues. However, people often need to set limits on who can (or cannot) see or use a shared resource. This is traditionally the job of an access control system, such as those implemented by file permissions or access control lists.

One active and growing area of research concerns people’s problems with setting restrictions on who can and who cannot access digital content. Evidence suggests that **configuring file permissions in access control systems difficulties is hard for users who often don’t fully understand the underlying access model(s)**. Similarly, **setting** (or encountering) **restrictions on file access can interrupt or interfere with the primary task** at hand [2].

However, while a few studies have attempted to design better interfaces for existing access control systems [1, 3, 4], there have been no systematic user studies of the basic access control models deployed in the vast majority of current systems – or, for that matter, the social control models that people are tacitly trying to apply in their particular activity contexts when they use these security mechanisms. In systems, the implemented models generally have tremendous expressive power, potentially leaving users awash in a sea of very fine-grained access control settings. Further, **current systems** often require users to **manage these settings in isolation from** any helpful **application context**. Finally, file **permissions** are often **invisible once set**, and **default** permission settings may be **unknown**.

and

Summary observations from the survey

The survey results indicate that even in a highly technically competent group, with good technical support, **problems arise regularly**, leading to frustration and difficulty. We found little correlation between skill level and experience, although it was clear that technical competence led to improved understanding of the issues at

large. This undermines the myth that only users with little skill are stymied by issues of file access and restriction. Further, we note that **users are well aware of** the periodic **need** to access and to **“keep tabs” on files**, but this management and monitoring **must be carried out in addition to** the focused **work** that is taking place. Finally, we note that the workplace supports many different systems as a necessity – trying to force a single solution would severely affect the work.

Non-obviousness:

Ka-Ping Yee in *User Interaction Design for Secure Systems* mentions at least one obstacle, a cultural issue in the information technology community which has led to problematic lack of usability:

Many designers **habitually assume that improving security necessarily degrades usability**, and vice versa; the decision of whether to favour one or the other is **typically seen as a regrettable compromise**.

Solution depends on details of GUI:

In *Changing Lives Through Technology, ACM Ubiquity, Volume 5, Issue 6, April 7 - 13, 2004* David Nagel, Ph.D. (Nagel had been president of AT&T Labs, formerly Bell Labs, and the CTO at AT&T; prior Nagel had been head of Apple Computer's advanced technology group and senior VP; prior Nagel had been head of NASA human factors research at NASA's Ames Research Center; Nagel holds an MS in engineering and a Ph.D. in psychology) explains (emphasis added):

The fundamental problem is that if the underlying system model incorporates abstractions that are difficult for normal human beings to understand, it's always, always going to behave in unpredictable and non-understandable ways to them. In general, **it's harder to make such systems easy to use**, and that's why good human factors **must be reflected in** every aspect of a design, from the fundamental architecture of the system through to the implementation of **the exact way you draw the graphics** on the screen and the exact way you support interaction with the screen via tapping and talking and anything else you might do. There are some spectacularly good examples of human factors design, and there are equally spectacular examples of failures.

Non-obviousness:

On 2005-09-06 Nagel (a human factors expert and generalist who had headed two of the premier research organizations in information technology) wrote in an email to Applicant (unabridged 1st paragraph, emphasis added):

Thanks for the summary - and I agree that the **human factors of security (including access control** - which may reflect the worst human factors practices in the industry - "access denied" or "you don't have authority to access that information", etc.) is **one of the great unsolved problems in software**.

Literature in the art is devoid of any reference to the particular set of elements which comprise the claimed invention.

In that context, Applicant respectfully asks Examiner to drop arguments of obviousness.

In response to action item 6:

The Haemonetics decision stands for the proposition that an element recited in a claim preamble that provides antecedent basis for an element recited in the body of the claim must be treated as a claim limitation. Thus, there is no legal requirement that the “*visual display unit*” be recited as other hardware elsewhere in the claim. *Haemonetics Corp. v. Baxter Healthcare Corp.*, ___ F.3d ___, ___ (Fed. Cir. 2010).

In response to action item 8:

The Haemonetics decision stands for the proposition that an element recited in a claim preamble that provides antecedent basis for an element recited in the body of the claim must be treated as a claim limitation. Thus, there is no legal requirement that the “*visual display unit*” be recited as other hardware elsewhere in the claim. *Haemonetics Corp. v. Baxter Healthcare Corp.*, ___ F.3d ___, ___ (Fed. Cir. 2010).

In response to action item 10:

File name and file path point to the location of the file but are in no way equivalent to file content. The address of a house does not reveal the nature of the furnishing therein.

If claim 1 is allowable then all claims that depend are similarly allowable.

In response to action item 16:

Hildebrand paras. 0108-0109; Fig. 2D do not show access log information.

Claim 10 limits “... *for a single specific predetermined resource ... wherein each of the individual users is graphically represented by a visual element which comprises: ... a differing visual element for indicating if the user has write privilege for the resource ...*”.

Neither Hildebrand Fig. 2D nor Fig. 5B.1 are about, closely related to or showing log information, neither are they about a single digital document. Hildebrand keeps mentioning these settings are applying to many documents, for example per directory. Hildebrand, like all prior art, fails showing a

specific per document display of detailed information which is different per user, let alone with document content.

Fully considering all of its preamble, claim 10 is quite specific.

If a claim is allowable then all claims that depend are similarly allowable.

In response to action item 19:

Applicant quotes relevant 37 CFR 1.121 (b) (1) “*Amendments to the specification, including amendment to a section heading or the title of the invention which are considered for amendment purposes to be an amendment of a paragraph, must be made by submitting:*” specifically lists (emphasis added) (iii) “***The full text of any added paragraphs without any underlining***”.

Applicant respectfully points out 37 CFR 1.121 (b) (1) (ii) applies to replacement paragraphs, which an added paragraph isn’t (emphasis added): “*The full text of **any replacement paragraph** with markings to show all the changes relative to the previous version of the paragraph. The text of any added subject matter must be shown by underlining the added text. The text of any deleted matter must be shown by strike-through except that double brackets placed before and after the deleted characters may be used to show deletion of five or fewer consecutive characters. The text of any deleted subject matter must be shown by being placed within double brackets if strikethrough cannot be easily perceived*”.

To Applicant’s knowledge, a substitute specification has not been required by the Office, hence 37 CFR 1.125 need not be considered in the writing of the amendment.

In response to action item 21:

The following is a quotation of the second paragraph of MPEP 2111.02 Effect of Preamble [R-3]:

"[A] claim preamble has the import that the claim as a whole suggests for it." *Bell Communications Research, Inc. v. Vitalink Communications Corp.*, 55 F.3d 615, 620, 34 USPQ2d 1816, 1820 (Fed. Cir. 1995). "If the claim preamble, when read in the context of the entire claim, recites limitations of the claim, or, if the claim preamble is 'necessary to give life, meaning, and vitality' to the claim, then the claim preamble should be construed as if in the balance of the claim." *Pitney Bowes, Inc. v. Hewlett-Packard Co.*, 182 F.3d 1298, 1305, 51 USPQ2d 1161, 1165-66 (Fed. Cir. 1999). See also *Jansen v. Rexall Sundown, Inc.*, 342 F.3d 1329, 1333, 68 USPQ2d 1154, 1158 (Fed. Cir. 2003)(In considering the effect of the preamble in a claim directed to a method of treating or preventing pernicious anemia in humans by administering a certain vitamin preparation to "a human in need thereof," the court held that the claims' recitation of a patient or a human "in need" gives life and meaning to the preamble's statement of purpose.). *Kropa v. Robie*, 187 F.2d 150, 152, 88 USPQ 478,

481 (CCPA 1951) (A preamble reciting "An abrasive article" was deemed essential to point out the invention defined by claims to an article comprising abrasive grains and a hardened binder and the process of making it. The court stated "it is only by that phrase that it can be known that the subject matter defined by the claims is comprised as an abrasive article. Every union of substances capable *inter alia* of use as abrasive grains and a binder is not an 'abrasive article.'" Therefore, the preamble served to further define the structure of the article produced.).

The “*visual display unit*” recited in the preamble is a claim limitation.

The Haemonetics decision stands for the proposition that an element recited in a claim preamble that provides antecedent basis for an element recited in the body of the claim must be treated as a claim limitation. Thus, there is no legal requirement that the “*visual display unit*” be recited as other hardware elsewhere in the claim. *Haemonetics Corp. v. Baxter Healthcare Corp.*, ___ F.3d ___, ___ (Fed. Cir. 2010).

As claims 1 and 10 are limited to a visual display unit, that is to a machine, claims 1 and 10 don't cover software per se. Claims 1 and 10 don't cover any non-statutory embodiment at all.

In addition to the above, even as the preferred embodiment of the claimed invention is disclosed as being implemented by software, nevertheless the claimed invention is not limited thereto. The present invention could equally well be implemented in hardware, including but not limited to discrete logic, field programmable gate arrays or other similar means well known in the art.

In response to action item 22 a:

File name and file path point to the location of the file but are in no way equivalent to file content. The address of a house does not reveal the nature of the furnishing therein.

As this argument repeats, Applicant respectfully suggests diligent review by persons knowing the art, who should clearly recognize the difference between the content of a file versus its file name and file path.

In response to action item 22 b:

The Haemonetics decision stands for the proposition that an element recited in a claim preamble that provides antecedent basis for an element recited in the body of the claim must be treated as a claim limitation. Thus, there is no legal requirement that the “*graphical user interface for representing*

access log information and access control settings” be recited elsewhere in the claim. *Haemonetics Corp. v. Baxter Healthcare Corp.*, ___ F.3d ___, ___ (Fed. Cir. 2010).

Further, typical for prior art, Hildebrand suggest (*paras. 0147*) “*The access report manager 518 is preferably activated by the system administrator and the contents gathered in the access report manager 518 shall be only accessed by the system administrator or with authority.*” Hildebrand doesn’t teach user interface for viewing access log information.

In response to action item 22 c:

Claim 10 limits “... *for a single specific predetermined resource ... wherein each of the individual users is graphically represented by a visual element which comprises: ... a differing visual element for indicating if the user has write privilege for the resource ...*”.

Neither Hildebrand Figs. 2D nor 5B.1 are about, closely related to or showing log information, neither are they about a single digital document. Hildebrand keeps mentioning these settings are applying to many documents, for example per directory. Hildebrand, like all prior art, fails showing a specific per document display of detailed information which is different per user, let alone with document content.

Fully considering all of its preamble, claim 10 is quite specific.

Examiner interpretation of Hildebrand Fig. 2D is incorrect: It shows and sets not for a particular document nor for a particular user, let alone for a particular user for a particular document. Hildebrand Fig. 5B.1 shows or sets not for a particular document.

In response to action item 22 d:

Hildebrand doesn’t teach per a particular document showing and setting per each user whether the user has write privilege for the resource. Hildebrand keeps mentioning settings are applying to many documents, for example per directory.

In contrast, the present invention teaches and claim 10 reads “... *access control settings for a single specific predetermined resource, ... wherein each of the individual users is graphically represented by a visual element which comprises ... a differing visual element for indicating if the user has write privilege for the resource ...*”.

In response to action item 22 e:

The following is a quotation of the second paragraph of MPEP 2111.02 Effect of Preamble [R-3]:

"[A] claim preamble has the import that the claim as a whole suggests for it." *Bell Communications Research, Inc. v. Vitalink Communications Corp.*, 55 F.3d 615, 620, 34 USPQ2d 1816, 1820 (Fed. Cir. 1995). "If the claim preamble, when read in the context of the entire claim, recites limitations of the claim, or, if the claim preamble is 'necessary to give life, meaning, and vitality' to the claim, then the claim preamble should be construed as if in the balance of the claim." *Pitney Bowes, Inc. v. Hewlett-Packard Co.*, 182 F.3d 1298, 1305, 51 USPQ2d 1161, 1165-66 (Fed. Cir. 1999). See also *Jansen v. Rexall Sundown, Inc.*, 342 F.3d 1329, 1333, 68 USPQ2d 1154, 1158 (Fed. Cir. 2003)(In considering the effect of the preamble in a claim directed to a method of treating or preventing pernicious anemia in humans by administering a certain vitamin preparation to "a human in need thereof," the court held that the claims' recitation of a patient or a human "in need" gives life and meaning to the preamble's statement of purpose.). *Kropa v. Robie*, 187 F.2d 150, 152, 88 USPQ 478, 481 (CCPA 1951) (A preamble reciting "An abrasive article" was deemed essential to point out the invention defined by claims to an article comprising abrasive grains and a hardened binder and the process of making it. The court stated "it is only by that phrase that it can be known that the subject matter defined by the claims is comprised as an abrasive article. Every union of substances capable *inter alia* of use as abrasive grains and a binder is not an 'abrasive article.'" Therefore, the preamble served to further define the structure of the article produced.).

The “*single specific predetermined resource*” recited in the preamble is a claim limitation.

The Haemonetics decision stands for the proposition that an element recited in a claim preamble that provides antecedent basis for an element recited in the body of the claim must be treated as a claim limitation. Thus, there is no legal requirement that the “*single specific predetermined resource*” be recited elsewhere in the claim. *Haemonetics Corp. v. Baxter Healthcare Corp.*, ___ F.3d ___, ___ (Fed. Cir. 2010).

By such limitation the claimed machine becomes much more useful.

In response to action item 22 f:

In simpler words then: Skeiguchi doesn't teach the present invention's user interface.

Conclusion

Applicant respectfully solicits consideration of his arguments herein, and allowance of the pending claims.

Respectfully submitted,

/Leo Baschy/

Leo Baschy

Applicant Pro Se

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